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CORRESPONDENCE RELATED TO U.S. PATENT APPLICATION NO. 10/721,144



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By:

Robert J. HARIRI

Confirmation No.:

Serial No.:

10/721,144

Art Unit:

1636

Filed:

25 November 2003

Examiner:

McGillem, Laura

For:

CYTOTHERAPEUTICS.

Attorney Docket No.: ANTH-0004

CYTOTHERAPEUTIC UNITS, AND

Fax: 7328053697

METHODS FOR TREATMENTS USING

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. § 1.56, there is hereby provided certain information that the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

- 1. Enclosures accompanying this Information Disclosure Statement are:
 - 1a A list of all patents, publications, applications, or other information submitted for consideration by the office.
 - 1b. A legible copy of:
 - Each U.S. patent application publication and foreign patent, except those U.S. patent application publications not required to be submitted;
 - Each publication or that portion which caused it to be listed on the PTO-1449;
 - For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
 - all other information or portion which caused it to be listed on the PTO-1449.
 - An English language copy of search report(s) from a counterpart foreign 1c. application or PCT International Search Report.
 - Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language 1d. abstracts of the non-English language publications.
- 2. \boxtimes This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b): Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);

continued examination under §1.114. 3.			Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
continued examination under §1.114. 3.			☐ Before the mailing of the first Office action on the merits;
period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of action under 37 C.F.R. §1.31 a notice of allowance under 37 C.F.R. §1.31 action that otherwise closes prosecution in the application. (Check either Item 3a or 3b) 3a.			Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
The Certification Statement in Item 5 below is applicable. Accordingly required. 3b.	3.		This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.
required. 3b.			(Check either Item 3a or 3b)
\$1.97(c) is: enclosed to be charged to Celgene Corporation Deposit Account No. 031181. (Item 3b to be checked if any reference known for more than 3 months) 4.		3a.	The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
4.		3Ь.	enclosed
period specified in 37 C.F.R. §1.97(c), but on or before the date of payment issue fee. The Certification Statement in Item 5 below is applicable. The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is: enclosed. to be charged to Celgene Corporation Deposit Account No. 031181. Certification Statement (applicable if Item 3a or Item 4 is checked) (Check either Item 5a or 5b) 5a. In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item or information contained in this Information Disclosure Statement was find a communication from a foreign patent office in a counterpart foreign a not more than three months prior to the filing of this Information Disclosure Statement. 5b. Each item of information contained in this information disclosure statement. 5c. Pursuant to 37 C.F.R. §1.56(c) more than thirty days prior to the filing information disclosure statement. 5c. Pursuant to 37 C.F.R. §1.704(d), each item of information contained in information disclosure statement. 5c. Pursuant to 37 C.F.R. §1.704(d), each item of information contained in information disclosure statement was cited in a communication from a patent office in a counterpart application, and the communication was no received by any individual designated in 37 C.F.R. §1.56(c) more than the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than			
The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is: enclosed. to be charged to Celgene Corporation Deposit Account No. 031181. Certification Statement (applicable if Item 3a or Item 4 is checked) (Check either Item 5a or 5b) Sa. In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was find a communication from a foreign patent office in a counterpart foreign a not more than three months prior to the filing of this Information Disclosure Statement. Sb. Each item of information contained in this information disclosure statement cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing information disclosure statement. Sc. Pursuant to 37 C.F.R. §1.704(d), each item of information contained in information disclosure statement was cited in a communication from a patent office in a counterpart application, and the communication was received by any individual designated in 37 C.F.R. §1.56(c) more than the communication was received by any individual designated in 37 C.F.R. §1.56(c) more than	4.		This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.
certification Statement (applicable if Item 3a or Item 4 is checked) (Check either Item 5a or 5b) In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was fire a communication from a foreign patent office in a counterpart foreign a not more than three months prior to the filling of this Information Disclosure Statement. 5b. Each item of information contained in this information disclosure states cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filling information disclosure statement. 5c. Pursuant to 37 C.F.R. §1.704(d), each item of information contained in information disclosure statement was cited in a communication from a patent office in a counterpart application, and the communication was received by any individual designated in 37 C.F.R. §1.56(c) more than received by any individual designated in 37 C.F.R. §1.56(c) more than		The Ce	atification Statement in Item 5 below is applicable.
 (Check either Item 5a or 5b) 5a.			enclosed.
 5a.	5.		Certification Statement (applicable if Item 3a or Item 4 is checked)
information contained in this Information Disclosure Statement was fire a communication from a foreign patent office in a counterpart foreign a not more than three months prior to the filing of this Information Disclosure than three months prior to the filing of this Information Disclosure statement. 5b.			(Check either Item 5a or 5b)
cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filin information disclosure statement. 5c. Pursuant to 37 C.F.R. §1.704(d), each item of information contained in information disclosure statement was cited in a communication from a patent office in a counterpart application, and the communication was received by any individual designated in 37 C.F.R. §1.56(c) more than		5a.	In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
information disclosure statement was cited in a communication from a patent office in a counterpart application, and the communication was received by any individual designated in 37 C.F.R. §1.56(c) more than		5 b.	application, and the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this
		5c.	Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

Fax: 7328053697

6.		This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).					
		(Check appropriate Items 6a, 6b and/or 6c)					
	6a.	A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.					
	бь.	b. Copies of publications listed on Form PTO-1449 from prior application Serial No., filed on, of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).					
	6c.	Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. , filed on , and are provided herewith.					
7 .	This is a Supplemental Information Disclosure Statement.						
	7a.	This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .					
8 .		In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:					
		(Check Item 8a, 8b, or 8c)					
	8a.	satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.					
	8b.	set forth in the application.					
	8c.	enclosed as an attachment hereto.					
9.	⊠ .	The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Celgene Corporation Deposit Account No. 031181.					
10.	⊠	No admission is made that the information cited in this Statement is, or is considered to be, material to patentability. No admission is made that a search has been undertaken (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§ 1.97 (g) and (h).					
Date:	10 Ap	Respectfully submitted, ril 2006 Richard T. Girards Jr. 52,946 Celgene Corporation (Reg. No.) 86 Morris Avenue					
		Summit, NJ 07901 (908) 673-9543					

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		Application Number	10/721,144		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Filing Date	25 November 2003		
		First Named Inventor	HARIRI		
		Art Unit	1636		
		Examiner Name	McGillem, Laura		
Sheet 1	of 1	Attorney Docket Number	ANTH-0004		

			U. S. PATENT	DOCUMENTS	
Examiner Initials*	Cite No.	Document Number Number-Find Code ^{2 prisoned}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		^{US-} 2005/0220772	10/06/2005	CHOW	
		US- 2005/0142118	06/30/2005	WERNET	-
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FOREIGN PATENT DOCUMENTS						
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Transaron is attached.

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Transaron is attached by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiatity is governed by 35 U.S.C. 122 and 37 CFR 1.14. This debection is estimated to take 2 hours to complete, including gethering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Tredemark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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